

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CHRISTOPHER LEE NEAL,

Petitioner,

v.

Case No. 1:06cv69

JOYCE FRANCIS,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR RELEASE PENDING APPEAL
AND DENYING PETITIONER'S APPLICATION TO PROCEED WITHOUT
PREPAYMENT OF FEES**

For the reasons set forth in this Court's May 3, 2007 "Order Affirming the Magistrate Judge's Report and Recommendation", the Court **DENIES** petitioner's Motion for release pending appeal (dkt. no. 22) and **DENIES** and **DISMISSES WITH PREJUDICE** Neal's Application to Proceed Without Prepayment of Fees and Affidavit (dkt. no. 25). It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record and all appropriate agencies, and to mail a copy of this Order to the petitioner.

Dated: October 22, 2007

/s/Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE